HOUSE BILL 1568

C5 8lr3383

By: Delegates Hill, Ebersole, and Lam

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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Public Service Companies - Facility Equipment - Removal

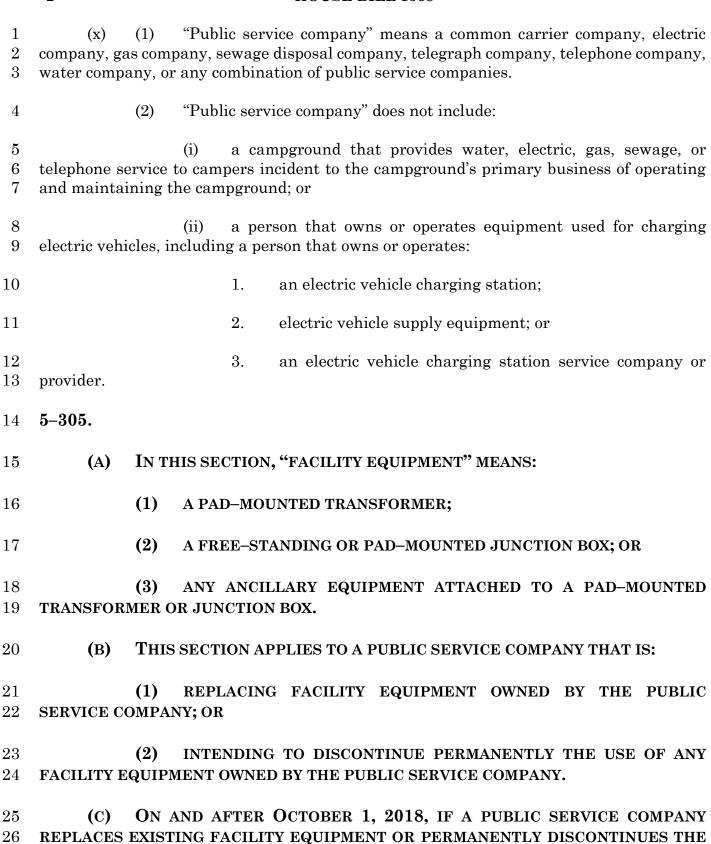
3 FOR the purpose of requiring certain public service companies to remove certain facility equipment within a certain period of time; requiring the Public Service Commission 4 5 to take certain corrective action after a certain consideration; authorizing the 6 Commission to impose a certain civil penalty in addition to certain other penalties; 7 requiring the Commission to determine the amount of any civil penalty after 8 consideration of certain factors; requiring a certain civil penalty to be paid into the 9 General Fund; prohibiting certain public service companies from recovering the cost of a certain civil penalty from ratepayers; defining a certain term; and generally 10 11 relating to the removal of facility equipment by a public service company.

- 12 BY repealing and reenacting, without amendments,
- 13 Article Public Utilities
- 14 Section 1–101(x)
- 15 Annotated Code of Maryland
- 16 (2010 Replacement Volume and 2017 Supplement)
- 17 BY adding to
- 18 Article Public Utilities
- 19 Section 5–305
- 20 Annotated Code of Maryland
- 21 (2010 Replacement Volume and 2017 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 23 That the Laws of Maryland read as follows:
- 24 Article Public Utilities
- 25 1–101.

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(1) THE FACILITY EQUIPMENT HAS BEEN REPLACED; OR

FACILITY EQUIPMENT WITHIN 60 DAYS AFTER:

USE OF FACILITY EQUIPMENT, THE PUBLIC SERVICE COMPANY SHALL REMOVE THE

- 1 (2) THE USE OF THE FACILITY EQUIPMENT HAS BEEN PERMANENTLY 2 DISCONTINUED.
- 3 (D) (1) AFTER CONSIDERATION OF ANY IMPEDIMENTS TO COMPLIANCE
- 4 WITH THIS SECTION, THE COMMISSION SHALL TAKE APPROPRIATE ACTION AGAINST
- 5 A PUBLIC SERVICE COMPANY THAT FAILS TO COMPLY WITH THIS SECTION,
- 6 INCLUDING THE IMPOSITION OF APPROPRIATE CIVIL PENALTIES FOR
- 7 NONCOMPLIANCE UNDER THIS SUBSECTION.
- 8 (2) (I) THE COMMISSION MAY IMPOSE A CIVIL PENALTY NOT
- 9 EXCEEDING \$250 FOR EACH VIOLATION AGAINST A PUBLIC SERVICE COMPANY THAT
- 10 FAILS TO COMPLY WITH THIS SECTION.
- 11 (II) A CIVIL PENALTY MAY BE IMPOSED IN ADDITION TO ANY
- 12 OTHER PENALTY AUTHORIZED BY THIS DIVISION.
- 13 (III) EACH VIOLATION IS A SEPARATE OFFENSE.
- 14 (IV) EACH DAY OR PART OF A DAY THE VIOLATION CONTINUES IS
- 15 A SEPARATE VIOLATION.
- 16 (3) THE COMMISSION SHALL DETERMINE THE AMOUNT OF ANY CIVIL
- 17 PENALTY AFTER CONSIDERING:
- 18 (I) THE NUMBER OF PREVIOUS VIOLATIONS OF THIS SECTION;
- 19 (II) THE GRAVITY OF THE CURRENT VIOLATION;
- 20 (III) THE GOOD FAITH EFFORTS OF THE PUBLIC SERVICE
- 21 COMPANY IN ATTEMPTING TO ACHIEVE COMPLIANCE AFTER NOTIFICATION OF THE
- 22 VIOLATION; AND
- 23 (IV) ANY OTHER MATTER THAT THE COMMISSION CONSIDERS
- 24 APPROPRIATE AND RELEVANT.
- 25 (4) A CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL BE
- 26 PAID INTO THE GENERAL FUND OF THE STATE.
- 27 (5) A PUBLIC SERVICE COMPANY MAY NOT RECOVER THE COST OF
- 28 ANY CIVIL PENALTY PAID UNDER THIS SECTION FROM RATEPAYERS.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 30 October 1, 2018.